



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** November 3, 1998 General Municipal Election

**MEETING DATE:** June 3, 1998

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** It is recommended that the Lodi City Council adopt the following resolutions pertaining to the November 3, 1998 General Municipal Election:

- a) Resolution No. 98-82 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held In The City On Tuesday, November 3, 1998, For The Election Of Certain Officers Of The City As Required By The Provisions Of The Laws Of The State Of California Relating To General Law Cities";
- b) Resolution No. 98-83 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Adopting Regulations For Candidates For Elective Office Pertaining To Candidates Statements Submitted To The Voters At An Election To Be Held On Tuesday, November 3, 1998"; and
- c) Resolution No. 98-84 entitled, "A Resolution Of The Lodi City Council Determining That There Will Be No Filing Fee Charged For The Processing Of Candidates' Nomination Papers For The November 3, 1998 General Municipal Election".

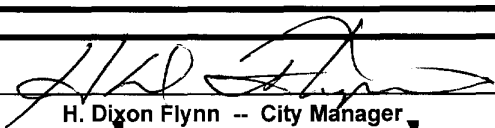
**BACKGROUND INFORMATION:** The 1998 General Municipal Election for three Council seats will be held Tuesday, November 3, 1998. The terms of Council Members Johnson, Pennino and Sieglock are expiring.

By State statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

- a) It will be necessary for the City Council to adopt a resolution calling and giving notice of the holding of a General Municipal Election in the City of Lodi on November 3, 1998.

On October 19, 1988, the City Council adopted Ordinance No. 1438 consolidating Municipal Elections with State-wide General Elections. This Ordinance was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

**APPROVED:** \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

- b) The California Election Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter.

The law requires the Council to adopt a policy no later than seven days before the nominations period opens regarding the candidates' obligation for payment for candidates' statements. The policy may also include the City's position on three additional aspects of the voters' pamphlet mailing.

1. **Payment**

Election Code §13307 allows the City to estimate the cost of the candidates' statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidates' statement may be borne by the City, the candidate, or the cost shared between them. (It should be noted that the City has in the past elected **not** to charge candidates for the cost of the candidates' statements.)

2. **Word Limit**

The Council may authorize an increase in the limitation on words for the statement from 200 to 400 words. (It should be noted that the City has in the past elected **not** to increase the word limitation to 400 words.)

3. **Spanish Language**

Federal law does not require Spanish translation in San Joaquin County. The City Council may wish to reflect State law which allows candidates to request Spanish candidates' statements.

Options that the City Council might consider are:

- Have translated and printed in the voters' pamphlet only the candidates' statements of those candidates who request translation and printing.
- Have all candidates' statements translated and printed in the voters' pamphlet.
- Have all candidates' statements translated and available upon request in the City Clerk's office.
- Have all candidates' statements translated but print only those statements which the candidate requests to be printed, others available upon request in the City Clerk's office.

(The City Council in the past has **not** charged candidates for these translations and has elected to allow candidates to request Spanish candidates statements.)


- c) It will be necessary for the City Council to adopt a resolution determining whether or not there will be a filing fee for nomination papers.

§10228 of the Election Code of the State of California provides that a filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the City Council and set by ordinance but not exceeding twenty-five dollars (\$25), may be imposed, to be paid upon the filing of such nomination papers.

California courts have ruled that you may not refuse to place a candidate's name on the ballot due to an inability to pay the filing fee. If the fee cannot be waived, an alternative must be provided. Court guidelines are similar to Election Code §8106 providing for the substitution of four additional signatures for each one dollar of the filing fee, or an additional one hundred signatures.

(In the past the City Council determined that there would be **no** filing fee for the processing of candidates' nomination papers.)

**FUNDING:** None required.

  
Alice M. Reimche  
City Clerk

AMR/jmp

Attachments

RESOLUTION NO. 98-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 3, 1998, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 3, 1998 for the election of municipal officers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there is called and ordered to be held in the City of Lodi, California, on Tuesday, November 3, 1998, a General Municipal Election for the purpose of electing the qualified three (3) members of the City Council of said City for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be, in form and content, as required by law.

SECTION 3. That the City Clerk of the City of Lodi is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Election Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give such further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Dated:** June 3, 1998

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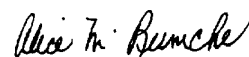
I hereby certify that Resolution No. 98-82 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 3, 1998 by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino  
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

  
Alice M. Reimche  
City Clerk

RESOLUTION NO. 98-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,  
ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE  
PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS  
AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998

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WHEREAS, §13307 of the Election Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,  
DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Election Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Lodi on November 3, 1998, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. SPANISH LANGUAGE. The City Clerk shall have translated and printed in the voters pamphlet only the candidates' statements of those candidates who request translation and printing.

SECTION 3. ADDITIONAL MATERIAL. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 4. PAYMENT. No charge shall be levied to the candidates for the printing, handling, translation and mailing the candidates' statements filed pursuant to the Election Code.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That all previous resolutions establishing Council policy on payment for candidates' statements are repealed.

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SECTION 7. That this resolution shall apply only to the election to be held on November 3, 1998 and shall then be repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Dated:** June 3, 1998

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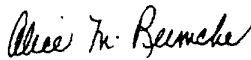
I hereby certify that Resolution No. 98-83 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 3, 1998 by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino  
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

  
Alice M. Reimche  
City Clerk

RESOLUTION NO. 98-84

A RESOLUTION OF THE LODI CITY COUNCIL DETERMINING THAT THERE WILL BE NO  
FILING FEE CHARGED FOR THE PROCESSING OF CANDIDATES' NOMINATION PAPERS  
FOR THE NOVEMBER 3, 1998 GENERAL MUNICIPAL ELECTION

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WHEREAS, §10228 of the Election Code of the State of California provides that the City Council may impose a filing fee proportionate to the costs of processing a candidate's nomination papers, but not exceeding twenty-five dollars (\$25.00) to be paid upon the filing of such nomination papers;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby set forth the following regulations pertaining to the November 3, 1998 General Municipal Election:

- a) No filing fee will be imposed for the processing of candidates' nomination papers.

BE IT FURTHER RESOLVED, that each candidate or his or her representative shall be provided with a copy of this resolution by the City Clerk at the time he or she picks up nomination papers.

**Dated:** June 3, 1998

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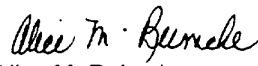
I hereby certify that Resolution No. 98-84 was passed and adopted by the Lodi City Council in a regular meeting held June 3, 1998 by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino  
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

  
Alice M. Reimche  
City Clerk